

**Introduced by Senator Polanco**

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An act to amend Section 3041 of the Business and Professions Code, relating to optometry.

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as introduced, Polanco. Optometry.

Existing law defines the practice of optometry as certain activities relating to the examination of the human vision system, and related activities.

This bill would provide that the practice of optometry also includes the prevention, diagnosis, management, treatment, and rehabilitation of disorders and dysfunctions of the visual system.

Existing law provides for the certification of optometrists to use certain pharmaceutical agents, and permits those optometrists to also diagnose and treat the human eye or eyes, or any of its appendages, for certain conditions.

This bill would revise the conditions that certified optometrists may treat, and would enlarge the list of pharmaceutical agents that may be used, and would authorize the use of certain injected drugs and simple wound repair if the optometrist has completed a training program.

The bill would also authorize the Board of Optometry to adopt and administer regulations that establish standards for the use of pharmaceutical agents or devices for the diagnosis and treatment of additional conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares as  
2 follows:

3 (a) The profession of optometry fulfills the vision and  
4 eye care needs of the public through clinical care,  
5 research, and education, all of which enhance the  
6 consumer's quality of life.

7 (b) Optometric knowledge and practice includes the  
8 prevention, examination, evaluation, diagnosis,  
9 rehabilitation, treatment, and management of disorders,  
10 dysfunctions, and diseases of the visual system, the eye,  
11 and associated structures, as well as the evaluation and  
12 diagnosis of ocular-related systemic conditions.

13 (c) Optometric practice is dynamic, with the emphasis  
14 on patient care services at the primary care level.  
15 Responding to the changing needs of society, the  
16 profession must have access to all methods and modalities  
17 of contemporary practice.

18 (d) Entry-level competencies include the professional  
19 attitudes, skills, and knowledge base required to ensure  
20 safe and effective patient outcomes, life-long learning  
21 and its assessment, and maintenance of the integrity of  
22 professional licensure.

23 SEC. 2. Nothing in this act shall be construed to limit  
24 the scope of practice of an optometrist as it existed prior  
25 to the effective date of this act.

26 SEC. 3. Section 3041 of the Business and Professions  
27 Code is amended to read:

28 3041. (a) The practice of optometry is the doing of  
29 any or all of the following:



(1) The examination of the human eye or eyes, or its or their appendages, and the analysis of the human vision system, either subjectively or objectively.

(2) The determination of the powers or range of human vision and the accommodative and refractive states of the human eye or eyes, including the scope of its or their functions and general condition.

(3) The *prevention, diagnosis, management, treatment, and rehabilitation of disorders and dysfunctions of the visual system including, but not limited to, the prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training, or orthoptics.*

(4) The prescribing of contact and spectacle lenses for, or the fitting or adaptation of contact and spectacle lenses to, the human eye, including lenses which may be classified as *drugs or devices* by any law of the United States or of this state.

(5) The use of topical pharmaceutical agents for the sole purpose of the examination of the human eye or eyes for any disease or pathological condition. The topical pharmaceutical agents shall include mydriatics, cycloplegics, anesthetics, and agents for the reversal of mydriasis.

(b) (1) ~~An~~ For an optometrist who is certified to use therapeutic pharmaceutical agents, pursuant to Section 3041.3, ~~may also diagnose and treat the human eye or eyes, or any of its appendages, for all of the following conditions, exclusively:~~

~~(A) Allergies, infectious disease, and nonsystemic inflammations of the conjunctiva.~~

~~(B) Eyelid margin inflammation and trichiasis, including blepharitis, meibomian gland dysfunction~~ the practice of optometry also includes the diagnosis and treatment of allergies, infectious disease, and inflammation and disorders of the human eye or eyes and their appendages. An optometrist certified pursuant to Section 3041.3 may also diagnose, treat, and manage the following conditions:

(A) Trichiasis and chalazia, ~~but excluding cellulitis.~~

1     ~~(C) Peripheral infectious corneal ulcers under a~~  
2     ~~protocol with a consulting ophthalmologist, with a~~  
3     ~~24-hour referral requirement.~~  
4     ~~(D)~~  
5     (B) Traumatic or recurrent conjunctival or corneal  
6     abrasions and erosions.  
7     ~~(E)~~  
8     (C) Corneal surface disease and dry eyes.  
9     (D) *Glaucoma.*  
10    (2) For purposes of this section, “treat” means the use  
11    of therapeutic pharmaceutical agents, ~~as described in~~  
12    ~~subdivision (d), and the procedures described in~~  
13    ~~subdivision (e) (d).~~  
14    ~~(c) In accordance with Section 1 of the act amending~~  
15    ~~this section during the 1995-96 Regular Session of the~~  
16    ~~Legislature, subdivision (b) shall be not construed to limit~~  
17    ~~the scope of practice of an optometrist as it existed prior~~  
18    ~~to the effective date of the act amending this section~~  
19    ~~during the 1995-96 Regular Session of the Legislature.~~  
20    ~~(d) In diagnosing and treating the conditions listed in~~  
21    ~~subdivision (b), an optometrist certified to use~~  
22    ~~therapeutic pharmaceutical agents pursuant to Section~~  
23    ~~3041.3, may use all of the following topical and oral~~  
24    ~~therapeutic pharmaceutical agents, exclusively:~~  
25    ~~(1) All of the topical pharmaceutical agents listed in~~  
26    ~~paragraph (5) of subdivision (a):~~  
27    ~~(2) Topical lubricants.~~  
28    ~~(3) Topical nonsteroidal antiallergy agents.~~  
29    ~~(4) Topical nonsteroidal antiinflammatories.~~  
30    ~~(5) Topical antibiotic agents.~~  
31    ~~(6) Topical hyperosmotics.~~  
32    ~~(7) Tetracyclins for treatment of blepharitis. If the~~  
33    ~~patient’s condition does not improve after six weeks of~~  
34    ~~treatment, the optometrist shall consult with a physician~~  
35    ~~and surgeon.~~  
36    ~~(8) Topical miotics for diagnostic purposes.~~  
37    ~~(9) Nonprescription medications.~~  
38    ~~(10) Topical agents for the reversal of mydriasis~~  
39    ~~including agents for the treatment of pain from Schedules~~

1 *III, IV, and V of the California Uniform Controlled*  
2 *Substances Act.*

3 ~~(e)~~

4 (d) An optometrist who is certified to use therapeutic  
5 pharmaceutical agents pursuant to Section 3041.3 may  
6 also perform all of the following:

7 (1) ~~Mechanical epilation~~ *Epilation.*

8 (2) Ordering of smears, cultures, and sensitivities used  
9 ~~in the diagnosis of diseases listed in this section as within~~  
10 ~~the scope of practice~~ *laboratory tests.*

11 (3) ~~The use of punctal plugs that are diagnostic and~~  
12 ~~absorbable and do not require punctal dilation.~~

13 (3) *Ordering of imaging tests.*

14 (4) *Punctal Occlusion.*

15 (5) The prescription of therapeutic contact lenses.

16 ~~(5)~~

17 (6) Removal of ~~superficial~~ foreign bodies of the  
18 *cornea, eyelid, and conjunctiva.*

19 ~~(6) Removal of corneal superficial foreign bodies~~  
20 ~~above the Bowman's Layer, however if the superficial~~  
21 ~~foreign body is within the central 3 millimeters of the~~  
22 ~~cornea, the use of sharp instruments is prohibited.~~

23 ~~(f) Notwithstanding any other provision of law, an~~  
24 ~~optometrist shall not treat children under one year of age~~  
25 ~~with therapeutic pharmaceutical agents.~~

26 ~~(g)~~

27 (7) *Lacrimal irrigation and dilation.*

28 (8) *Stromal micropuncture.*

29 (9) *Chemical cautery.*

30 (10) *Chalazion removal.*

31 (11) *Administration of drugs via a subconjunctival,*  
32 *intravenous, or subdermal injection for the treatment of*  
33 *conditions and diseases defined in this section. No*  
34 *optometrist may administer injectable drugs without*  
35 *having completed a transcript quality training program*  
36 *developed by an accredited school of optometry and*  
37 *approved by the board.*

38 (12) *Simple wound repair, including minor suturing of*  
39 *superficial wounds. No optometrist may suture any*  
40 *wound without having completed a transcript quality*

1 *training program developed by an accredited school of*  
2 *optometry and approved by the board.*

3 (e) Any dispensing of a therapeutic pharmaceutical  
4 agent by an optometrist shall be without charge.

5 ~~(h)~~

6 (f) Notwithstanding any other provision of law, the  
7 practice of optometry does not include performing  
8 surgery. “Surgery” means any procedure in which  
9 human tissue is cut, altered, or otherwise infiltrated by  
10 mechanical or laser means in a manner not specifically  
11 authorized by ~~this act~~ *subdivision (d) or any other*  
12 *provision of this chapter.* Nothing in the act amending  
13 this section shall limit an optometrist’s authority, as it  
14 existed prior to the effective date of the act amending this  
15 section, to utilize diagnostic laser and ultrasound  
16 technology.

17 (g) *The board may adopt and administer regulations*  
18 *that establish standards for the use of pharmaceutical*  
19 *agents or devices for the diagnosis and treatment of*  
20 *conditions specified by subdivision (b) by optometrists*  
21 *certified pursuant to Section 3041.3 that are not otherwise*  
22 *provided for in this section. Nothing in this section shall*  
23 *prohibit the board from amending or repealing any of*  
24 *those regulations. The board shall, prior to the adoption*  
25 *of those regulations, consider relevant findings of the*  
26 *United States Food and Drug Administration and request*  
27 *recommendations regarding appropriate standards from*  
28 *interested public agencies including, but not limited to,*  
29 *the Medical Board and the State Board of Pharmacy.*